

Before the
COPYRIGHT ROYALTY JUDGES
Washington, DC

In re

**DISTRIBUTION OF CABLE ROYALTY
FUNDS**

DOCKET NO. 16-CRB-0009 CD (2014-17)

**MUSIC CLAIMANTS' NOTICE OF CONTROVERSIES
RELATING TO THE 2014-2017 CABLE ROYALTY FUNDS**

Broadcast Music, Inc. ("BMI"), the American Society of Composers, Authors and Publishers ("ASCAP"), and SESAC Performing Rights, LLC ("SESAC")¹ ("Music Claimants") hereby submit this Notice of Controversies Relating to the 2014-2017 Cable Royalty Funds (the "Notice") in response to the Scheduling Order and Notice of Voluntary Negotiation Period dated April 5, 2021 (the "Order") in the above-captioned proceeding (the "Proceeding") issued by the Copyright Royalty Judges (the "Judges"). This Notice provides a report on the status of Allocation Phase and Distribution Phase controversies with regard to the 2014 through 2017 Cable royalty funds in the music claimant category, as defined in the Judges' April 5, 2021 Order Lifting Stay And Adopting Claimant Categories issued in the Proceeding, at Exhibit A. Additionally, this Notice provides updates as to controversies described in the Comments of Music Claimants BMI, ASCAP, and SESAC on the Existence of Controversies submitted in the

¹ BMI, ASCAP and SESAC collectively represent hundreds of thousands of composer, lyricist, songwriter, and publisher members and affiliates with combined repertoires of millions of copyrighted musical works. On behalf of their members and affiliates, BMI, ASCAP, and SESAC license the public performance rights granted to their respective members and affiliates as copyright owners under Section 106(4) of the Copyright Act (17 U.S.C. § 106(4)). BMI, ASCAP, and SESAC are also each affiliated with about ninety foreign performing rights societies around the world and license the repertoires of those societies in the United States. BMI, ASCAP, and SESAC have historically been known as the "Music Claimants" and are referred to herein as such.

Proceeding on December 10, 2018 and in the Joint Petition to Participate of Music Claimants BMI, ASCAP, and SESAC submitted in the Proceeding on March 11, 2019.

ALLOCATION PHASE

During the Voluntary Negotiation Period established by the Order, Music Claimants engaged in negotiations one-on-one with other Allocation Phase Parties. Additionally, on June 24, 2021, Music Claimants participated in a joint negotiation call with representatives of all other Allocation Phase Parties that are participants in this Proceeding. While Music Claimants have negotiated in good faith with other Allocation Phase Parties, and intend to continue to do so, Music Claimants have not reached a settlement with any other Allocation Phase claimant group regarding the allocation of any portion of the 2014 through 2017 Cable royalty funds. Accordingly, an Allocation Phase controversy continues to exist in this Proceeding regarding funds in the music claimant category.

DISTRIBUTION PHASE

Music Claimants have executed confidential settlement agreements among themselves with regard to each of the years 2014 through 2017 with respect to Cable royalties. There are no Distribution Phase controversies among BMI, ASCAP, and SESAC for the years at issue in the Proceeding. Music Claimants have negotiated and continue to negotiate in good faith with Global Music Rights, LLC (“GMR”), which filed a petition to participate in this Proceeding solely as to 2016 and 2017 Cable royalties. At this time, there is no agreement between GMR and any of the Music Claimants. Accordingly, a Distribution Phase controversy exists with regard to the distribution of 2016 and 2017 Cable royalties in the music claimant category.

Respectfully submitted,

**AMERICAN SOCIETY OF COMPOSERS, BROADCAST MUSIC, INC.
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Dated: July 19, 2021

CERTIFICATE OF SERVICE

I hereby certify that on this 19th day of July, 2021, a copy of the foregoing Music Claimants' Notice of Controversies Relating to the 2014-2017 Cable Royalty Funds was filed electronically using eCRB, which will automatically provide electronic service copies to all counsel and *pro se* participants who are registered to use eCRB. *See* 37 C.F.R. § 303.6(h)(1).

/s/ Jennifer T. Criss

Jennifer T. Criss

Proof of Delivery

I hereby certify that on Monday, July 19, 2021, I provided a true and correct copy of the Music Claimants' Notice of Controversies Relating to the 2014-2017 Cable Royalty Funds to the following:

Multigroup Claimants, represented by Brian D Boydston, served via ESERVICE at brianb@ix.netcom.com

Commercial Television Claimants / National Association of Broadcasters, represented by John Stewart, served via ESERVICE at jstewart@crowell.com

Joint Sports Claimants, represented by Michael E Kientzle, served via ESERVICE at michael.kientzle@arnoldporter.com

Major League Soccer, L.L.C., represented by Edward S. Hammerman, served via ESERVICE at ted@copyrightroyalties.com

Global Music Rights, LLC, represented by Scott A Zebrak, served via ESERVICE at scott@oandzlaw.com

Program Suppliers, represented by Lucy H Plovnick, served via ESERVICE at lhp@msk.com

National Public Radio, represented by Gregory A Lewis, served via ESERVICE at glewis@npr.org

Canadian Claimants, represented by Lawrence K Satterfield, served via ESERVICE at lksatterfield@satterfield-pllc.com

Devotional Claimants, represented by Matthew J MacLean, served via ESERVICE at matthew.maclean@pillsburylaw.com

Public Television Claimants, represented by Ronald G. Dove Jr., served via ESERVICE at rdove@cov.com

Signed: /s/ Jennifer T. Criss